

Entered 04-04-03 sb  
CL 03L0286 GWENDOLYN BURNS

**CLAIM OF: USAA**  
as subrogee of insured,  
**Myron Schultz**  
P.O. Box 31643  
Tampa, Florida 33631-3643

04-12-1164

For property damage allegedly sustained from a  
sewer back up on December 10, 2002 at 635  
Greystone Parkway.

THIS ADVERSED REPORT IS  
APPROVED

BY: \_\_\_\_\_

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/29/04

CHAIR: H. L. Wolf

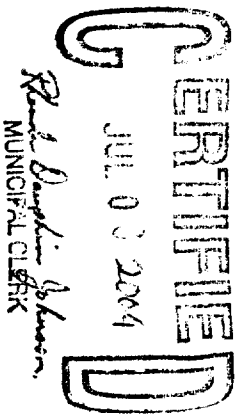
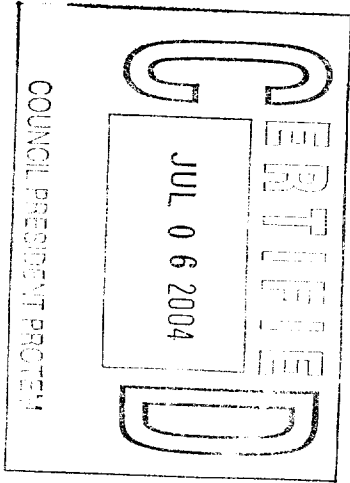
Vynell Mosley

Mary Ann

C. T. H. S.

W. J. Singh

Carla Smith





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

July 19, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

USAA  
as subrogee of insured,  
Attn: Cathy Franks  
Myron Schultz  
P.O. Box 31643  
Tampa, Florida 33631-3643

04-R-1164

Dear Ms. Franks

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 06, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0286

Date: June 15, 2004

Claimant /Victim MYRON G. SCHULTZ  
BY: (Atty) (Ins. Co.) USAA  
Address: P.O. Box 31643, Tampa, Florida 33631-3643  
Subrogation: X Claim for Property damage \$ 1,876.28 Bodily Injury \$           
Date of Notice: 3/25/03 Method: Written, Proper X Improper           
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 12/10/02 Place: 635 Greystone Parkway  
Department WATERSHED MANAGEMENT Bureau: Wastewater Treatment & Collection  
Employee involved          Disciplinary Action:         

NATURE OF CLAIM: Claimant alleges that he sustained property damages from a sewer back up. However, an investigation determined that the City was not on notice of the problem prior to the date of incident.

### INVESTIGATION:

Statements: City employee          Claimant          Others          Written          Oral           
Pictures          Diagrams          Reports: Police          Dept Report X Other X  
Traffic citations issued: City Driver          Claimant Driver           
Citation disposition: City Driver          Claimant Driver         

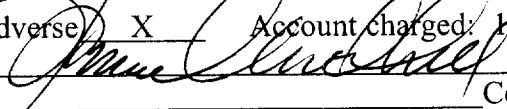
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial           
Improper Notice          More than Six Months          Other X Damages reasonable           
City not involved          Offer rejected          Compromise settlement           
Repair/replacement by Ins. Co.          Repair/replacement by City Forces           
Claimant Negligent          City Negligent          Joint          Claim Abandoned         

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$          Adverse X Account charged: 1A01          2PO1          2J01          2H01           
Claims Manager:  Concur/date 06/16/04  
Committee Action:          Council Action

RCS# 5880  
7/06/04  
3:18 PM

Atlanta City Council

Regular Session

CONSENT I                      CONSENT I PG(S) 1-9, EXCEPT:04-R-1187  
                                    04-R-1179 04-R-1143 03-O-1690  
    ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	NV Muller	Y Maddox	Y Norwood
NV Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036 2. 04-O-1037 3. 04-O-1038 4. 04-O-1039 5. 04-O-1040 6. 04-O-1041 7. 04-O-1042 8. 04-O-1196 9. 04-O-1013 10. 04-O-1014 11. 04-O-1050 12. 04-O-1054 13. 04-O-1055 14. 04-O-1058 15. 04-R-1152 16. 04-R-1153 17. 04-R-1158 18. 04-R-1193 19. 04-R-1155 20. 04-R-1149 21. 04-R-1150 22. 04-R-1033 23. 04-R-1146 24. 04-R-1148 25. 04-R-1159 26. 04-R-1160 27. 04-R-1161 28. 04-R-1187 29. 04-R-1188 30. 04-R-1189 31. 04-R-1190 32. 04-R-1191 33. 04-R-1192	34. 04-R-1163 35. 04-R-1164 36. 04-R-1165 37. 04-R-1166 38. 04-R-1167 39. 04-R-1168 40. 04-R-1169 41. 04-R-1170 42. 04-R-1171 43. 04-R-1173 44. 04-R-1174 45. 04-R-1175 46. 04-R-1176 47. 04-R-1177 48. 04-R-1179 49. 04-R-1180 50. 04-R-1181 51. 04-R-1182 52. 04-R-1183 53. 04-R-1184 54. 04-R-1185 55. 04-R-1186